

City of Corunna
Regular Council Meeting
Monday, March 15, 1999

Present: Weaver, Bayless, Bendall, Dumond, Moore, Ockerman.

Absent: None.

Guests: Lisa Hitchcock, City Manager; Officer Kim Williams, Police Department; Judy Horton; Homer Bennett; Joe Williams; Doadie Sumner; Frank Svrcek, Acting Director of Public Works; Chief Mark Hetfield, Police Department; Tim Crawford & Lindsay Crawford; Gary Schooley, Parks & Recreation Director; Mr. & Mrs. Richard Sanderson; Larry Runyan; Dave Wenzlick; Herb Jenkins; Ron Smith, Treasurer/Assessor; Jackie Leone, The Argus Press; Bill Constine, The Independent; and other concerned citizens.

The meeting was called to order in the City Council Chambers by Mayor Weaver at 7:00 p.m.

MINUTES OF THE PREVIOUS REGULAR MEETING: Bendall moved, Dumond seconded to approve the March 1, 1999 Regular Council Minutes as printed.

Roll call vote:

Yes: Bayless, Bendall, Ockerman, Dumond, Moore.

No: None.

Motion CARRIED

AGENDA APPROVAL: Dumond moved, Bendall seconded to approve the agenda as presented by combining Item No. 6) Consider Appointment of Jim Felix to the Corunna Historical Commission, term to expire December 31, 2001 and Item No. 13) Consider Re-appointment of Dr. James Billis to the Downtown Development Authority, term to expire December 31, 2002 with Item No. 5) Consider Appointment of David Wenzlick to the Softball Commission, term to expire December 31, 2001.

Roll call vote:

Yes: Moore, Bendall, Dumond, Bayless, Ockerman.

No: None.

Motion CARRIED

APPROVAL OF VENDOR DISBURSEMENTS: Bendall moved, Bayless seconded to approve the vendor disbursements as presented.

Roll call vote:

Yes: Ockerman, Dumond, Moore, Bayless, Bendall.

No: None.

Motion CARRIED

CALL TO AUDIENCE: Doadie Sumner introduced herself and stated she was interested in the vacant Third Ward council seat.

Richard Sanderson stated the garbage trucks are cutting up the alley located behind his house. He further stated the street light on South Bachus Street is on 24 hours a day. Councilperson Ockerman stated he has discussed the garbage truck situation with Ms.

Hitchcock. Ms. Hitchcock advised she has spoken with the Department of Public Works concerning the garbage trucks in the alleys and the Department of Public Works is not in favor of allowing the trucks in the alleys. She further advised the citizens need to decide if they want garbage in front of their houses or in the alleys. She also advised there is money in the budget to improve the alleys and council would need to change the ordinance to allow curbside garbage pickup.

Joe Williams asked what the attendance procedures or policies were concerning the city's boards and commissions. Mr. Williams stated it was his understanding that Dr. Billis was given plenty of time to be sworn in as a member of the Downtown Development Authority. He further stated there have been other people with similar scenarios and asked if this was common practice. Mayor Weaver advised the city clerk's office diligently keeps track of the city charter requirements regarding being sworn in and conducting business as a sworn in member of the city's boards and commissions. Mayor Weaver explained that since Dr. Billis had not been sworn in, he was not a member of the Downtown Development Authority. He further explained that when Dr. Billis was contacted, he did come in to city hall to fill out a letter of interest.

Pat Sanderson stated she would be in favor of allowing curbside garbage pickup

Homer Bennett asked council to take a further look at his application for the Department of Public Works Superintendent position.

CONSIDER EXTENSION OF 10-DAY NOTICE: Bendall moved, Dumond seconded to extend the deadline for the removal of the railroad ties until April 15, 1999.

Roll call vote:

Yes: Dumond, Moore, Ockerman, Bendall, Bayless.

No: None.

Motion CARRIED

CONSIDER RESIGNATION: Dumond moved, Bendall seconded to accept the letter of resignation from Ron Smith as city treasurer/assessor with regrets.

Roll call vote:

Yes: Ockerman, Bayless, Moore, Bendall, Dumond.

No: None.

Motion CARRIED

7:15 P.M. PUBLIC HEARING AND ADOPTION OF ORDINANCE 99-01 CARRYING

DANGEROUS WEAPONS AMENDMENT: Dumond moved, Bendall seconded to leave regular session and go into public hearing for Ordinance 99-01 Carrying Dangerous Weapons Amendment.

Roll call vote:

Yes: Bendall, Bayless, Dumond, Moore, Ockerman.

No: None.

Motion CARRIED Time was 7:15 p.m.

Councilperson Ockerman asked who requested for the ordinance amendment. Chief Hetfield advised the police department has had problems with paintball guns, and the city attorney was asked to write the amendment since the current ordinance was not clear enough for the city attorney to prosecute. Bendall moved, Dumond seconded to leave the public hearing and return to regular session.

Roll call vote:

Yes: Bayless, Bendall, Ockerman, Dumond, Moore.

No: None.

Motion CARRIED Time was 7:21 p.m.

Dumond moved, Bendall seconded to adopt the following ordinance:

ORDINANCE NO. 99-01

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF CORUNNA, MICHIGAN, BY AMENDING SECTION 50-137. CARRYING DANGEROUS WEAPONS, OF ARTICLE V. OFFENSE AGAINST PUBLIC SAFETY, IN CHAPTER 50 OFFENSES AND MISCELLANEOUS PROVISIONS, BY ADDING DEFINITIONS AND ADDITIONAL PROHIBITIONS THEREIN; AND, TO PROVIDE FOR PENALTIES FOR VIOLATIONS THEREOF.

THE CITY OF CORUNNA, MICHIGAN, ORDAINS:

SECTION I, SEC. 50-137. CARRYING DANGEROUS WEAPONS, is amended to read, to-wit:

A. Definitions:

1. A **dangerous weapon** is any object that is used in a way that is likely to cause serious physical injury or death.
2. If an object is used in a way that is likely to cause serious physical injury or death, it is a **dangerous weapon**.
3. **Serious physical injury** means a physical injury that constitutes permanent serious bodily disfigurement or that seriously and irreparably impairs the functioning of a body organ or limb. Serious injury includes, but is not limited to, one or more of the following:
 - (a) Loss of a limb or use of a limb.
 - (b) Loss of a hand, foot, finger, or thumb or use of a hand, foot, finger or thumb.
 - (c) Loss of an eye or ear or use of an eye or ear.
 - (d) Loss or substantial impairment of a bodily function.
 - (e) Serious visible disfigurement.
 - (f) A comatose state that lasts for more than 3 days.

- (g) **Measurable brain damage or mental impairment.**
- (h) **A skull fracture or other serious bone fracture.**
- (i) **Subdural hemorrhage or hematoma.**

B. Prohibitions:

It shall be unlawful to carry on the person or in the passenger compartment of any motor vehicle any dangerous weapon, including but not limited to, segments of chain, hunting knives, jackknives having one or more blades which exceed three inches in length, clubs, **paintball guns**, metal pipes or any other dangerous weapon, unless carried in the normal course of a business or profession, excluding firearms.

SECTION II. PENALTIES.

Anyone violating this Ordinance or any subsections, paragraphs, clauses and parts hereof, is guilty of a misdemeanor and shall be punished by a fine of not more than Three-Hundred and No/100 (\$300.00) Dollars, or by imprisonment in the County Jail of Shiawassee County for a period of not more than ninety (90) days, or by both such fine and imprisonment in the discretion of the Court of competent jurisdiction.

SECTION III. SEVERABILITY.

This Ordinance and the several sections, subsections, paragraphs, clauses and parts thereof are hereby declared to be severable. If any part or clause thereof is declared or adjudged invalid by present or future legislation or decree, the balance of the Ordinance shall not be affected thereby.

SECTION IV. CONFLICTING ORDINANCES REPEALED.

All Ordinances previously adopted and incorporated in the Code of the City of Corunna, Michigan, through codification procedures, or any existing Ordinances that are inconsistent with the provision of this Ordinance are hereby repealed, and in the case of inconsistencies, to the extent of such inconsistency, are hereby repealed.

SECTION V. COPIES AVAILABLE.

This Ordinance may be purchased or inspected in the City Clerk's Offices, Monday through Friday, between the hours of 9:00 a.m. and 4:30 p.m.

SECTION VI. EFFECTIVE DATE.

This Ordinance shall take effect pursuant to the Corunna City Charter, immediately upon publication hereof.

DATE OF PASSAGE: 3-15-99 .
DATE OF PUBLICATION: 3-20-99 .
EFFECTIVE DATE: 3-20-99 .

Roll call vote:

Yes: Moore, Bendall, Dumond, Bayless, Ockerman.

No: None.

Motion CARRIED

CONSIDER APPOINTMENT OF DEPARTMENT OF PUBLIC WORKS

SUPERINTENDENT: Mayor Weaver advised Ms. Hitchcock has recommended Timothy Crawford be promoted as the Department of Public Works Superintendent. Ockerman moved, Moore seconded to promote Timothy Crawford as the Department of Public Works Superintendent. Ms. Hitchcock advised there is a six-month clause in the proposed employment contract that allows Tim Crawford to go back into a union position if the city is not satisfied with his performance or if he chooses to go back into a union position. Councilperson Dumond asked where Mr. Crawford was employed prior to coming to the city. Ms. Hitchcock advised Magnetek in Owosso. Councilperson Ockerman asked why Item 13 in the employment agreement superceded the Administrative Manual. Ms. Hitchcock advised there are benefits that are not listed in the Administrative Manual.

Roll call vote:

Yes: Ockerman, Dumond, Moore, Bayless, Bendall.

No: None.

Motion CARRIED

CONSIDER APPOINTMENT OF DAVID WENZLICK TO THE SOFTBALL COMMISSION,

TERM TO EXPIRE DECEMBER 31, 2001; JIM FELIX TO THE CORUNNA HISTORICAL COMMISSION, TERM TO EXPIRE DECEMBER 31, 2001; AND DR. JAMES BILLIS TO THE DOWNTOWN DEVELOPMENT AUTHORITY, TERM TO EXPIRE DECEMBER 31, 2002: Bendall moved, Dumond seconded to appoint David Wenzlick to the Softball Commission, term to expire December 31, 2001; Jim Felix to the Corunna Historical Commission, term to expire December 31, 2001; and Dr. James Billis to the Downtown Development Authority, term to expire December 31, 2002.

Roll call vote:

Yes: Dumond, Moore, Ockerman, Bendall, Bayless.

No: None.

Motion CARRIED

CONSIDER PROPOSAL FOR ENGINEERING SERVICES: KING, KINGSLEY,

MCARTHUR STREET AND UTILITY RECONSTRUCTION: Bendall moved, Ockerman seconded to accept the proposal for engineering services for King, Kingsley, McArthur Street and utility reconstruction from Capital Consultants as presented.

Roll call vote:

Yes: Ockerman, Bayless, Moore, Bendall, Dumond.

No: None.

Motion CARRIED

CONSIDER REQUEST FROM CORUNNA PUBLIC SCHOOLS TO USE CITY HALL AND FOUR PRIVACY BOOTHS FOR THE ANNUAL SCHOOL ELECTION ON JUNE 14,

1999: Bendall moved, Bayless seconded to grant the request from Corunna Public Schools to use City Hall and four privacy booths for the annual school election on June 14, 1999.

Roll call vote:

Yes: Bendall, Bayless, Dumond, Moore, Ockerman.

No: None.

Motion CARRIED

CONSIDER CALL TO AUDIENCE-CITIZEN IN-PUT AT END OF AGENDA BEING

PERMANENT: Ockerman moved, Moore seconded to make the Call to Audience-Citizen In-put at the end of the agenda permanent.

Roll call vote:

Yes: Bayless, Bendall, Ockerman, Dumond, Moore.

No: None.

Motion CARRIED

CONSIDER WAIVING BUILDING PERMIT FEES FOR PROPOSED COLD STORAGE

BUILDING: Bendall moved, Dumond seconded to waive the building permit fees for the cold storage building at the Shiawassee County Road Commission.

Roll call vote:

Yes: Moore, Bendall, Dumond, Bayless, Ockerman.

No: None.

Motion CARRIED

CONSIDER AUTHORIZATION FOR CHANGE RESOLUTIONS FOR STREET LIGHTING:

Bendall moved, Ockerman seconded to accept the following Authorization for Change Resolution for Streetlighting on McArthur St., Kingsley St., and Oliver St.:

RESOLUTION FOR STREET LIGHTING

RESOLVED, that it is hereby deemed advisable to authorize Consumers Energy Company to make changes in the streetlighting service as is provided in the Standard Streetlighting Contract Between the Company and the City of Corunna, dated November 17, 1997, in accordance with the Authorization for Change in Standard Streetlighting Contract dated as of March 15, 1999, heretofore submitted to and considered by this Board; and

RESOLVED, further, that the City Manager and City Clerk be and are authorized to execute such authorizations for change on behalf of the City.

Roll call vote:

Yes: Ockerman, Dumond, Moore, Bayless, Bendall.

No: None.

Motion CARRIED

Bendall moved, Dumond seconded to accept the Authorization for Change in Standard Streetlighting Contract for streetlighting on Hillside Dr., Woodvalley Dr., and Woodvalley Ct. in the new Crestview Heights Subdivision as presented in the amount of \$2,290.50 to be reimbursed by the developer.

Roll call vote:

Yes: Dumond, Moore, Ockerman, Bendall, Bayless.

No: None.

Motion CARRIED

CONSIDER BUDGET AMENDMENTS: Bendall moved, Dumond seconded to approve the following 1998-1999 Budget Amendments as presented and to correct the 11-2-98 amended amount under Motor Pool Revenues from \$153,315 to \$153,417:

	Original Budget	Amended 11-2-98	Amended 3-15-99
General Fund Revenues	\$1,383,119	\$1,423,019	\$1,455,710
General Fund Expenditures	\$1,377,782	\$1,419,067	\$1,449,254
Local Street Fund Revenues	\$90,444		\$110,576
Local Street Fund Expenditures	\$90,444		\$110,576
Cemetery Fund Expenditures	\$31,845		\$31,800
City Improvements Fund Revenue	\$202,500	\$204,500	\$206,500
Economic Development Revenues	\$45,590	\$99,438	\$101,438
1996 Sewer Construction Revenues	\$-0-		\$3,694
1995 Construction Revenues	\$-0-		\$29,961
1995 Construction Expenses	\$-0-		\$42,059
1997 Construction Revenues	\$-0-	\$355,000	\$416,500
Waste Water Revenues	\$463,700		\$465,700
Waste Water Expenses	\$463,139		\$465,839
Water Fund Revenues	\$415,400		\$421,110
Water Fund Expenses	\$413,480		\$418,980
Motor Pool Revenues	\$133,100	\$153,417	\$150,219

Councilperson Dumond advised the 11-2-98 amended amount under Motor Pool Revenues should be changed from \$153,315 to \$153,417. Councilperson Ockerman advised the city was over budget for the first seven months. Ms. Hitchcock advised Ron Smith's retirement was a big expense. Ron Smith advised there were some payments that are only made in the first six months. Councilperson Ockerman asked if the city had faced the brunt of the payments. Ms. Hitchcock advised she did not see any projects that were over budget. Councilperson Ockerman stated at the rate the spending was going, the city would be spending fifteen percent over the previous year. Mayor Weaver asked if the revenues are up. Councilperson Ockerman advised yes. Councilperson Ockerman asked if the city's budget was valid. Mayor Weaver stated when the budget was prepared, council tried to be on the conservative side. Councilperson Dumond asked what would be done with the revenues if the revenues are not spent. Councilperson Ockerman advised reduce taxes. Mayor Weaver suggested carrying any surplus over to the next tax year. Ms. Hitchcock suggested discussing what to do with any surplus at the budget meetings.

Roll call vote:

Yes: Ockerman, Bayless, Moore, Bendall, Dumond.

No: None.

Motion CARRIED

CALL TO AUDIENCE: Judy Horton asked why Dutcher Street was graded so low in the area where she used to mow. Ms. Hitchcock advised she would take a look at the street. Ms. Horton stated she was told by Tom Svrcek that the street was being prepared for paving. Ms. Hitchcock stated Dutcher Street is part of the capital improvement plan but would not be done for at least ten years.

Joe Williams congratulated Ron Smith on his retirement.

Doadie Sumner stated Ron Smith has always been good to her and she congratulated him on his retirement.

Ben Steele III stated he lives in Shiawassee Township and had an objection about not being able to carry anything dangerous in his automobile. Councilperson Bendall advised Mr. Steele that he could carry any item in the trunk of his vehicle.

PRE-COUNCIL: Councilperson Bendall asked if the 10-day notice was the only communication the city has had with the Central Michigan Railway. Ms. Hitchcock advised she has tried to contact Central Michigan Railway on the telephone and has been unable to reach anyone so she instructed the police department to write a 10-day notice. Councilperson Bendall asked what date the 10-day extension should be extended to. Ms. Hitchcock advised April 15, 1999.

Councilperson Bendall asked if waiving the building permit fees for the road commission was standard practice. Ms. Hitchcock advised yes, when the water hydrant was installed the road commission did not charge the city for the property. She further advised only the building permit fees were being waived. All of the other procedures will be followed.

Councilperson Dumond asked if a deadline should be set for advertising the vacant treasurer/assessor position. Ms. Hitchcock advised the vacancy has already been advertised and the deadline for the treasurer position is March 31, 1999 and the assessor deadline was March 19, 1999. Councilperson Dumond asked if the treasurer/assessor position would be a dual role. Ms. Hitchcock advised no, the city would not be able to find one person who could do both positions.

COUNCIL COMMENTS: Councilperson Bendall asked if the fourth grade classes had made a request to use McCurdy Park for their Voyageur Encampment. Ms. Hitchcock advised yes, Gary Schooley was handling the request.

Councilperson Ockerman stated he has had a chance to review some of the city's ordinances and read under the membership information for the planning commission that the city manager shall be a member of the commission and is to act as the commission's secretary. He further stated the ordinance states that the city manager shall attend all meetings, and he did not believe that the city was doing what the ordinance states. Councilperson Bendall advised the building inspector takes the place of the city manager.

Mayor Weaver suggested changing the ordinance to reflect what is being done. Councilperson Ockerman stated he would like a legal opinion regarding city employees serving on the planning commission. He further stated he would like to know if the police chief has a right to vote and if he could be put on the commission as a citizen at large. Ms. Hitchcock asked if the rest of the council wanted an opinion. Councilperson Bendall advised she did not agree with Councilperson Ockerman. The police chief was not put on the commission as an employee. He was put on the commission as a citizen at large. Councilperson Bayless suggested taking a look at the ordinance individually and discussing the ordinance at the next meeting. Mayor Weaver stated Councilperson Bayless' suggestion sounded good.

Councilperson Bayless stated the CPR training information that was included in the council packets was something to take advantage of.

Ms. Long stated she would miss Ron Smith; he will be very hard to replace.

ADJOURN: Ockerman moved, Bendall seconded to adjourn.

Roll call vote:

Yes: Bendall, Bayless, Dumond, Moore, Ockerman.

No: None.

Motion CARRIED Time was 8:12 p.m.

AVERY WEAVER, MAYOR

YVONNE F. LONG, CITY CLERK